

**City of Elko**      )  
**County of Elko**    )  
**State of Nevada**   )

**SS**      March 22, 2016

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, March 22, 2016.

This meeting was called to order by Mayor Chris Johnson.

**NOTE:**      **The order of the Agenda has been changed to reflect the order business was conducted.**

## **ROLL CALL**

**Mayor Present:**      Chris J. Johnson

**Council Present:**      Councilman Robert Schmidlein  
                                    Councilman Reece Keener

**Council Absent:**      Councilman John Rice  
                                    Councilwoman Mandy Simons

**City Staff Present:**      Curtis Calder, City Manager  
                                    Scott Wilkinson, Assistant City Manager  
                                    Ryan Limberg, Utilities Director  
                                    Shanell Owen, City Clerk  
                                    Dawn Stout, Administrative Services Director  
                                    Jonnye Jund, Accounting Manager  
                                    Aubree Anderson, Human Resources Manager  
                                    Ben Reed Jr., Police Chief  
                                    Ty Trouten, Police Lieutenant  
                                    Shelby Smith, Police Records Supervisor  
                                    Jeremy Draper, Development Manager  
                                    Matt Griego, Fire Chief  
                                    Brian Burgess, Deputy Fire Chief  
                                    Mike Hess, Landfill Superintendent  
                                    Bob Thibault, Civil Engineer  
                                    James Wiley, Parks and Rec Director  
                                    Dennis Strickland, Public Works Director  
                                    Cathy Laughlin, City Planner  
                                    Ted Schnoor, Building Official  
                                    Diann Byington, Recording Secretary

## **PLEDGE OF ALLEGIANCE**

## **COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

**APPROVAL OF MINUTES:**      March 8, 2016      **Regular Session**

*The minutes were approved by general consent.*

March 8, 2016      **Special Budget Session**

*The minutes were approved by general consent.*

## **I. PRESENTATIONS**

- A. A proclamation by the Mayor in recognition of April 2016 as “World Parkinson’s Awareness Month,” and matters related thereto. **NON-ACTION ITEM-INFORMATION ONLY**

Mayor Johnson read the Proclamation.

- B. Police Department Annual Report presented by Chief Ben Reed, and matters related thereto. **NON-ACTION ITEM-INFORMATION ONLY**

Ben Reed Jr., Police Chief, gave a presentation (Exhibits “A” & “B”).

## **II. CONSENT AGENDA**

- A. Review, consideration, and possible approval for the Fire Department to accept a grant for \$500.00 from National Fire Protection Association and State Farm Insurance, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Fire Department Prevention Bureau is pleased to have been selected to receive a grant in the amount of \$500.00 from the National Fire Protection Association and State Farm Insurance. This grant is to be used to support the 2015 Wildfire Community Preparedness efforts. MG

- B. Review, consideration, and possible approval for the Elko Police Department to solicit bids for janitorial services for the new Elko Police facility located at 1448 Silver Street, Elko, NV, and matters related thereto. **FOR POSSIBLE ACTION**

- C. Review, consideration, and possible approval of the Elko Police Chief to request equipment under the U.S. Department of Defense 1033 Program, and matters related thereto. **FOR POSSIBLE ACTION**

- The Elko Police Department is attempting to acquire:
  - Surplus tires for the existing Humvee.
  - Generator, 10KW single-phase.
  - Small metal storage shed, 6ft. x 8ft.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve the consent agenda items.**

*The motion passed unanimously. (3-0)*

### **III. APPROPRIATIONS**

- C. Review, consideration, and possible authorization for Staff to solicit bids for the Public Works Department for Plantmix Bituminous Pavement Materials to be used for the Year 2016 Construction Season, and matters related thereto. **FOR POSSIBLE ACTION**

This is an annual bid request for Plantmix Bituminous Pavement Materials based upon a unit price per ton amount. The materials are primarily used by the Public Works Department on streets, but the material may also be used by other departments as needed. DS

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to authorize staff to solicit bids for the Plantmix Bituminous Pavement Materials to be used for the 2016 construction season.**

*The motion passed unanimously. (3-0)*

- D. Review, consideration, and possible award of the bid for the Cedar Street Reconstruction Project, and matters related thereto. **FOR POSSIBLE ACTION**

This item has been approved and budgeted for in the 2015/16/17 Fiscal Year Budgets, Capital Construction Fund. DS

### **NO ACTION – THIS WILL BE PLACED ON A FUTURE AGENDA**

- E. Review, consideration, and possible authorization for the increase of the Force Account for the construction of the new Police Station, and matters related thereto. **FOR POSSIBLE ACTION**

A Force Account in the amount of \$100,000 was established for the construction of the Elko Police Station. Staff is requesting an increase in the Force Account of \$50,000 to finalize the construction of the Elko Police Station. JD

Jeremy Draper about a month from being done with the police station. These are missing components that were not in the plans. Processed 5 change orders - \$50,000 should be enough to complete the project. Design team also reviews the change orders. Flag plaza is the largest one, had 3 flag poles and adding

memorial area. Working on this since last Sept. The rest shouldn't see anything large coming in.

Jeremy Draper, Development Manager, explained we are about a month away from being done with construction of the project. As we get through some of these finishes the change orders start coming a little bit faster. A lot of these change orders have to do with missing components that were not in the plans that are needed for certain components of the building to actually work and function the way there are intended to. We believe that \$50,000 will allow us to complete the project.

Councilman Schmidlein asked if he anticipated anything else coming back to us after this go around.

Mr. Draper answered no. The largest one he sees out there is the flag plaza. The way it was designed in the plans, the design had one flagpole and the specifications had three. The contractor bid it with three flagpoles. We are making that work and we are adding a little memorial plaza similar to other fallen officers memorials.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to authorize a \$50,000 increase to the Force Account in the construction of the new Police Station.**

*The motion passed unanimously. (3-0)*

- F. Review, consideration, and possible selection of an auditing firm to provide independent auditing services to the City for the period July 1, 2015 through June 30, 2020, and designation of an independent auditor to prepare the annual audit for the City of Elko for Fiscal Year ending June 30, 2016, pursuant to NRS 354.624, and matters related thereto. **FOR POSSIBLE ACTION**

Each year the City is required to designate an independent auditor prior to March 31 of the year in which the audit is to be conducted. The City put out Requests for Proposals for auditing services for a period of five years this year. The results of the audit selection committee will be presented to Council for discussion and selection. DS

Dawn Stout, Administrative Services Director, explained we received four proposals (Exhibit "C"). One was deemed non-responsive. All firms met all the requirements for available staff, continuing education and necessary certifications to perform the audit. Our decision came down to Hintonburdick's cost of \$51,750. We talked to several of their clients and they said they felt they got a quality product. The selection committee recommended Hintonburdick CPAs and Advisors.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, based on the committee's recommendation, to award the auditing services for the City of Elko for this coming fiscal year to Hintonburdick CPAs and Advisors in the amount of \$51,750.**

*The motion passed unanimously. (3-0)*

- G. Review, consideration, and possible approval for the Fire Department to apply for a Staffing for Adequate Fire and Emergency Response Grant for funding of a Volunteer Coordinator and provide personal protective equipment for eleven volunteer firefighters, and matters related thereto. **FOR POSSIBLE ACTION**

The Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA (NFPA 1710 and/or NFPA 1720). Volunteer Coordinator will be a temporary position that will sunset at the end of the fourth year. Grant funding will include full pay and benefits for the coordinator for all four years. To include step increases and merit pay. Duties of the Volunteer Coordinator will include recruiting and retention of volunteers, developing programs to augment daily staffing through greater reliance on volunteer firefighters. Included in this grant is also funding for providing personal protective equipment for the Volunteer Coordinator as well as ten (10) volunteers. In the past three years, our volunteer ranks have diminished from thirty (30) to twenty (20). We have been reluctant to replace the ten volunteers due to the cost of providing required safety equipment at a cost of \$3555 per person. This grant will allow the fire department to bring the volunteer staffing back to previous years with little to no impact on the general fund. There is no match required for this grant program. BR

Brian Burgess, Deputy Fire Chief, explained this is a non-matching grant. The first year should be \$168,000. That will be reimbursed by the Department of Homeland Security. The Volunteer Coordinator is a fully funded position and it would sunset after the fourth year. We hope to create better training programs for volunteers. Our goal is to enhance full-time staffing in order to meet our NFPA criteria. This may help our ISO rating and give us a larger pool to recruit from.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to authorize the Fire Department to apply for the SAFER grant and report back after a year to see how this has worked.**

*The motion passed unanimously. (3-0)*

#### **IV. UNFINISHED BUSINESS**

- A. Review, consideration, and possible action on Curb, Gutter, and Sidewalk Waiver No. 1-16, filed by the Joshua Tree Shelter, which requests the requirement for public improvements to be waived along the 12<sup>th</sup> Street frontage and approximately 2/3 of the westerly frontage of Sharps Access Road abutting APN 001-630-069, and matters related thereto. **FOR POSSIBLE ACTION**

City Code section 2-13-3 requires public improvements at the time a parcel is developed or subdivided. This includes curb, gutter, and sidewalk. The property frontage in question abuts the underside of the 12<sup>th</sup> Street Bridge and the ramp exiting the 12<sup>th</sup> Street Bridge on Sharps Access Road. The applicant is requesting a waiver of ±750 lineal feet of curb, gutter, and sidewalk stating that it is impractical to install since there is no room and no direct access to those portions of frontage. JD

Jeremy Draper, Development Manager, explained the applicant was in the audience. He went over his memo, included in the packet. He recommended waiving the gutter on 12<sup>th</sup> street and went over some options. He recommended Option 2 as the preferred option.

Councilman Schmidlein said it is not practical to put this in. The city is not in a position to take on any liability here. He felt putting a crossing on the 12<sup>th</sup> Street bridge was inappropriate because it has a lot of traffic. We shouldn't impact it further with pedestrian traffic.

Mr. Draper said a few years ago, the city authorized him to apply for a grant from NDOT to extend the HARP trail under 12<sup>th</sup> Street because we had the same concerns with all the apartments there and the subdivision down the street. The day we were doing the presentation to NDOT we actually had a pedestrian hit on 12<sup>th</sup> Street. We know of the need there with the proposed use.

Scott Wilkinson, Assistant City Manager, felt the at-grade crossing at the Amtrak station was the preferred option but the council may need to consider that option may not materialize by the time Joshua Tree is ready to go in. Maybe an extension of sidewalk and a crossing on 12<sup>th</sup> would be in order because we will have foot traffic.

Councilman Schmidlein asked how cooperative will the Railroad be with putting in a crossing at the Amtrak station.

Curtis Calder, City Manager, said Amtrak reached out a couple of years ago and provided plans for pedestrian crossing. It is in the design phase. They need to get something to get passengers over the tracks. It is a possibility but it may never materialize. If we go with an at-grade crossing the city would fund 85% and the Railroad would fund 15%. There would have to be some level of agreement between the city and the developer and Union Pacific to develop any type of at-grade crossing.

Councilman Keener asked what price we may be looking at.

Mr. Draper answered it depends on what the Railroad will require. He guessed around \$5,000 or \$6,000.

Jennifer Kidwell, PO Box 1353, Elko, 89803, mentioned at the Planning Commission, there is a foot path that goes under the 12<sup>th</sup> Street bridge and comes up into the pedestrian path on the other side. To her there is another option even though there is a grade to the path. Additionally, she has spoken to the Railroad and they made it clear that they would be dealing with the City and not Joshua Tree. There will some pedestrian traffic and to address that GET My Ride has agreed to make a stop there. The shelter may also have their own shuttle.

Mike Shanks, Shanks Engineering, said he wants the city to consider that this is a 17 acre lot but only 2 acres are out of the flood plain and can be developed. We are looking at putting in about 400 lineal feet of curb, gutter and sidewalk. If you took a square piece of property that was 2 acres, that would be a comparable amount. It can be developed and this will be a problem no matter who develops it.

Mayor Johnson asked if it is staff's position that it is impractical to put in the improvements.

Mr. Draper answered on 12<sup>th</sup> Street, yes.

Mr. Wilkinson said this petition is before council so the petitioner can have an understanding of council's position and what their options are.

Scott Reutner, Modern Concrete, came in to get a business license to add more business to his shop. It was denied because he would need to put in improvements. He doesn't agree that they should get a waiver. As a property owner, he is sure they wouldn't like to see a homeless shelter come in.

Mr. Wilkinson said we are concerned with providing pedestrian safety.

Councilman Schmidlein said it comes down to whether or not they can put the crossing in at the Amtrak Station.

Lori Baker, 623 Andy's Way, asked how much pedestrian traffic is on Sharp's Access now. (No answer). Also how many trucks are going through there? She felt there is a lot of heavy equipment coming in and out of there.

Mayor Johnson said he will need more information to make a decision. He wanted to know more of the value that is being waived.

Councilman Keener agreed. We could be opening up a can of worms.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to table this item.**

*The motion passed unanimously. (3-0)*

B. Review, consideration, and possible approval to sell a portion of APN 001-610-104 pursuant to NRS 268.061 or NRS 268.062, and authorization to Staff to obtain the required appraisal, and matters related thereto. **FOR POSSIBLE ACTION**

The DiGrazia's have petitioned the City of Elko to purchase 2,048 SF of a 41.93 Acres parcel of land listed for sale on the City Land Inventory, in an effort to address possible encroachments on City owned property. The DiGrazia's will pay for the appraisal.

NRS 268.061 1. (e) allows the governing body to sell property owned by the City to any person(s) who owns property adjacent to such property without offering it to the public if the governing body determines, by resolution, that the sale will be in the best interest of the City, and the property is a parcel that is too small to establish an economically viable use by anyone else. NRS 268.062 allows for the sale of any real property at auction after adopting a resolution declaring its intention to sell the property at auction. JD

Jeremy Draper, Development Manager, explained we had the DiGrazia's revise their request. The DiGrazia's have improvements that encroach into the city property. Access to their basement is achieved only in this area. We have a couple different ways of disposing of this. He explained the choices.

Councilman Keener disclosed that he is a client of Mr. DiGrazia's law firm but he didn't feel that would cover his judgement on this item.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to authorize staff to obtain the required appraisal for the proposed sale of a portion of Assessor's Parcel 001-610-104, approximately 2,048 sq. ft. pursuant to NRS 268.061 based on the findings that the area for proposed sale is adjacent to the DiGrazia's property; that the proposed sale is in the best interest of the city; the proposed area to be sold is too small to establish an economically viable use by anyone else; the proposed sale does not detract from the economic viability of the remainder area; the DiGrazia's are responsible for all costs related to the sale of the property; and, the proposed sale is subject to the council accepting the appraisal. The curb/gutter frontage on the 27.59 feet will be the responsibility of the DiGrazia's as they obtain this property, as development moves further out.**

*The motion passed unanimously. (3-0)*

## V. NEW BUSINESS

- A. Permission to install Aero Tracking ADS-B and enter into a No-cost Agreement with Maritime Information Systems system at Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Since the closure of the FAA Contract Air Traffic Control Tower in 2006, the airport has no means to track or log aircraft activity at Elko Regional Airport. Maritime Information Systems (MIS) would like to install an ADS-B tracking transponder at Elko Regional Airport free of charge. This system will allow the airport a means to track flights equipped with a transponder and run reports on activity by cargo, business general aviation, medical flights, and commercial airline flights. This technology will benefit the airport in terms of safety to see what general aviation flights are in route to our facility prior to snow removal. The ADS-B Aero tracker will also track the economic impact the airport has to aviation in the region. This contract is no cost and is mutually beneficial for both the City of Elko and MIS. Elko City Information Technology stated that this technology is easily installed from their facility at the airport once the internet connection is segregated from the City LAN. MG

Curtis Calder, City Manager, said it is self-explanatory. There is no cost to the city. We can execute on this if council chooses. It will provide data that we don't receive currently.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to enter into a no-cost agreement with Maritime Information Systems to install an ADS-B Aero Tracker on the Information Technology Building at the Elko Regional Airport.**

*The motion passed unanimously. (3-0)*

- B. Review, consideration, and possible action to approve a request from the Downtown Business Association for the closure of the downtown parking corridor for a Special Event to be held on April 8<sup>th</sup> through April 10, 2016, and matters related thereto. **FOR POSSIBLE ACTION**

The DBA is requesting permission to close the 600 block of the downtown corridor prior to the event on Thursday April 7<sup>th</sup> at noon, and opening it back up at 5:00 p.m. on April 10, 2016, for the Downtown Spring Sweep & Wine Walk.  
SO

Shanell Owen, City Clerk, explained included in the packet is the application and the effected business owners that have signed off for the event. We also have the staff flow sheets that have been signed off. We will need the liability insurance of \$1 million.

Baily Billington-Benson, DBA, said this is a new event to get people into the downtown area. It is another opportunity to get people into the Downtown Area. We have Gateway RV, Ruby Mountain Motors and several other businesses wanting to set up. We will have a parking lot sale to try to clear out inventory and make way for new inventory.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to approve the DBA's closure for the downtown parking lot corridor for a special event to be held on April 8 through April 10, 2016. They want to do the closure on April 7 at noon in the 600 block of the parking corridor.**

*The motion passed unanimously. (3-0)*

## **VI. PETITIONS, APPEALS, AND COMMUNICATIONS**

- A. Review, consideration, and possible initiation to amend Title 7, Chapter 2, Section 40(I)(5) of the Elko City Code known as Elko Traffic Code increasing the length of time allowed for on street storage of a properly licensed recreational vehicle from 24 hours to 76 hours, and matters related thereto. **FOR POSSIBLE ACTION**

The City has received a petition from Mr. John Greenberg to consider amending Title 7, Chapter 2, Section 40(I) (5) allowing for on street parking of properly licensed recreational vehicle from 24 hours to 76 hours. Section 40(I) stipulates that no person shall park a vehicle upon any highway for certain principal purposes as listed in the code. Section 40(I) (5) prohibits parking for the principal

purpose of storage, or as junkage of dead storage, for more than twenty four (24) hours. Many citizens within the community store recreational vehicles at storage facilities away from their principal residence and retrieve the vehicles from storage as the need arises. In the process of readying the vehicle for a trip or for storage, vehicles may be parked on the street for longer than 24 hours. SAW

Scott Wilkinson, Assistant City Manager, said Mr. Greenburg was present to testify. We have a lot of RV's that are stored in storage facilities. Mr. Greenburg goes on an extended trip once a year. What happens is that he will pull out his RV to ready it for the trip. Occasionally the Police Department will receive a complaint and they will leave a notice for the individual to remove the vehicle. We have a petition to consider amending that section of code.

Mayor Johnson said he may need to abstain because he owns a storage facility but they do not rent for RV storage.

John Greenburg corrected the explanation to say 72 hours instead of 76 ours. He works shift work and can only prepare the trailer in his off-time. He doesn't leave the slides out when he isn't working on the RV. It is not possible in that 24 hour time-frame for him to get his trailer ready for a long-term trip.

Ty Trouten, Police Lieutenant, said from their perspective they do not have a code enforcement officer in the city so they only act upon these when complaints come in. By amending this to 72 hours for RV's it doesn't have a negative effect on the Police Department.

Mr. Wilkinson wanted to make it clear that we will be dealing with Recreational Vehicles and we will need a proper definition.

Councilman Keener asked if anyone else has asked about extending this out.

Mr. Wilkinson answered there has been conversation at the staff level. Council has looked at this in the past and for some reason it didn't move forward.

Curtis Calder, City Manager, said he didn't think Mayor Johnson was on the council, there was an ordinance proposed regarding on-street parking. It was broader than what we are discussing tonight. The definition of Recreational Vehicles was expanded to include trailers with snowmobiles, 4 wheelers, etc. It did go to first reading and not many people showed up. At second reading a lot of people showed up and council ended up not passing the change.

Councilman Schmidlein wasn't sure where we were going with this and felt we may be opening a can of worms.

Councilman Keener said he may not be in favor of increasing this.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to deny changing the Elko Traffic Code to increase the duration of RV on-street storage.**

*The motion passed unanimously. (3-0)*

- B. Review, consideration, and possible action to rename the segment of 14<sup>th</sup> Street from Silver Street to College Avenue to VFW Drive, and matters related thereto.
- FOR POSSIBLE ACTION**

VFW Post 2350 is requesting the Council consider renaming the segment of 14<sup>th</sup> Street from Silver Street to College Avenue to VFW Drive. A portion of the roadway fronting the VFW Hall has been named VFW Drive. In addition, there are two 14<sup>th</sup> Streets within one block of each other. Included in the packet are several letters from the VFW notifying property owners or business of the VFW's intent to request the name change. There is one response included in the packet.

SAW

Scott Wilkinson, Assistant City Manager, called attention to the dates on some of the letters. These go back to 2014. The VFW has reached out to individuals who might be impacted regarding the name change. There is one response in the packet from Clack Automotive. That response was not in favor of renaming the street. Gil Hernandez was present to answer any questions.

Gil Hernandez, 1316 7<sup>th</sup> Street, said in the packet is the information that they were able to get out to property owners. The dates are different on some of the letters. It doesn't change the request and it doesn't change that Clack Automotive is in opposition to the request. His main concern when they first started this goes back to when the Police Department and the Fire Department were trying to change the addresses so they can be found in their system. They haven't sent a letter to the Girl Scout house because the City owns that. Everyone else seems to be in favor of this.

Councilman Keener had a conversation with Mr. Hernandez regarding this before the meeting. There are a lot of people under 40 years old that have no idea what the VFW is. He felt the street should be named Veterans Drive if we are going to change that.

Mr. Hernandez said the reason they chose VFW Drive because it was shorter than Veterans of Foreign Wars.

Mayor Johnson asked if he would prefer VFW.

Mr. Hernandez answered yes. They aren't just veterans; they are Veterans of Foreign Wars.

Shanell Owen, City Clerk, said she spoke with Clack Automotive and let him know that this was going to be on the agenda tonight. The Girls Scout House is owned by the Girls Scouts now. She suggested a proper notification to all of the affected property owners and set a hearing date.

Mayor Johnson asked what the city is required to do.

Ms. Owen answered she hasn't been able to find a policy on this.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to rename the east portion of 14<sup>th</sup> Street to VFW Drive.**

*The motion passed unanimously. (3-0)*

## **VII. 6:00 P.M. PUBLIC HEARINGS**

- A. Second reading, public hearing and possible adoption of Ordinance No. 797, an ordinance increasing the corporate limits of the City of Elko, Nevada, pursuant to the provisions of N.R.S. 268.670 annexing thereto a certain tract of land partially contiguous to and not embraced within the present limits of the City of Elko described as follows: a parcel of land located generally on the south side of Tamarack Road approximately 320 feet east of Royal Crest Drive in Section 17, T. 34 N., R. 55 E., M.D.B. & M., Elko County, Nevada, consisting of 1.411 acres, more or less, filed by Chad and Kimberly Anderson and processed as Annexation No. 3-15, and matters related thereto. **FOR POSSIBLE ACTION**

City Council accepted the petition for the subject annexation on June 9, 2015 and directed Staff to continue with the annexation process by referring the matter to the Planning Commission. The Planning Commission considered the annexation on July 7, 2015 and took action to forward a recommendation of conditional approval with findings back to the City Council. City Council held First Reading of the ordinance on March 8, 2016. JD

Mayor Johnson called for public comments without a response.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to conduct second reading and adopt Ordinance No. 797.**

*The motion passed unanimously. (3-0)*

- B. Review, consideration, and possible action to adopt Resolution No. 10-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from County AR (Agricultural Residential) to RS (Residential Suburban) upon annexation of property to the city, involving approximately 1.411 acres of property located generally on the south side of Tamarack Road approximately 320 feet east of Royal Crest Drive, filed by Chad and Kimberly Anderson and processed as Rezone No. 7-15, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on July 7, 2015, and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 7-15 subject to the condition that the legal description and map be modified to include Parcel I. When this area was created in 1967 there were roadway easements identified as separate parcels for the adjoining parcel owners which always sold as part of the parcel that was being purchased. That portion of Parcel I wasn't transferred to the new owners.

High Desert Engineering contacted the last owner to do a quit claim deed which was recently completed. The legal description and map have been updated. JD

Jeremy Draper, Development Manager, said they find the proposed zone change is consistent with the adjoining properties and recommended approval as approved by the Planning Commission.

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to adopt Resolution No. 10-16.**

*The motion passed unanimously. (3-0)*

- C. Review, consideration, and possible action to adopt Resolution No. 11-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from PQP (Public, Quasi-Public), GI (General Industrial), and PUD (Planned Unit Development) to PQP (Public, Quasi-Public) and GI (General Industrial) involving approximately 17.19 acres of property located generally on the southeast corner of Sharps Access Road and S. 12<sup>th</sup> Street, filed by Joshua Tree Shelter and processed as Rezone No. 1-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on March 1, 2016, and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 1-16. The recommended condition, agreed to by the petitioner, is included in the resolution. CL

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to table Resolution No. 11-16.**

*The motion passed unanimously. (3-0)*

- D. Review, consideration, and possible action to adopt Resolution No. 12-16, a resolution of the Elko City Council adopting a change in zoning district boundaries from R (Single Family and Multiple Family Residential) to CT (Commercial Transitional) involving approximately 0.115 acres of property located generally on the easterly side of 5<sup>th</sup> Street, approximately 70 feet south of Fir Street, filed by Sonora, LLC and processed as Rezone No. 2-16, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on March 1, 2016, and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 2-16 subject to the condition that a variance be approved. The variance was approved later in the same meeting. CL

Cathy Laughlin, City Planner, explained in 2012 it was converted from Residential to Commercial. At that time it was overlooked by staff that it was zoned Residential. That tenant has moved out and a new business license was applied for. That is when we determined that the zoning was still residential. We are in the process of looking at several areas of 5<sup>th</sup> Street to go to the CT zoning. It is part of the Master Plan. She recommended approval.

David Ellefsen owns the property right next to that building. There was an attorney in there for a few years. He noticed that when there were depositions his parking got overloaded. There is not a lot of parking at that building. He talked to someone and he was told it cannot be zoned retail. When he got his permit to remodel his building he had to go through parking requirements, etc.

Ms. Laughlin pointed out the commercial transitional (CT) will allow for certain uses. One of the uses we feel would fall under that would be a florist which would also be a small retail establishment. It would qualify under "limited retail service."

Mr. Ellefsen asked if it was already occupied waiting for a rezone.

Ms. Laughlin answered they are waiting for the rezone in order to be approved for a business license.

Mr. Ellefsen wondered what the impact would be to him with his parking lot.

Ms. Laughlin noted they will have two parking spaces in the front and three in the back. They ran the new calculations for retail parking spaces. It did fall into the requirements.

Mr. Draper explained they did an evaluation based on the square footage of the building. Even though it only has five parking spots that does meet the intent of the code. Mr. Ellefsen should see no impact to his business. Per our code and the size of the building this proposed retail use does meet the required number of parking spaces. There is also some on-street parking.

**\*\* A motion was made by Councilman Schmidlein, seconded by Councilman Keener, to adopt Resolution No. 12-16.**

*The motion passed unanimously. (3-0)*

### **III. APPROPRIATIONS (Cont.)**

A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**\*\* A motion was made by Councilman Keener, seconded by Councilman Schmidlein, to approve the general warrants.**

*The motion passed unanimously. (3-0)*

B. Review and possible approval of Print 'N Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

### **NO ACTION**

## VIII. REPORTS

### A. Mayor and City Council

*Councilman Keener had a meeting at the Airport with Mark Gibbs and representatives from Amodei's office, Heller's office, etc. Mr. Gibbs gave a presentation on attracting a new air carrier.*

*Mayor Johnson said this afternoon he met with a gentleman from the Northern Nevada Food Bank. They will meet with different non-profits in the community to see if it will be a fit. There is a private group looking for Medicare providers for people in Elko.*

*Councilman Schmidlein had an opportunity to attend a POOL/PACT medical marijuana seminar.*

### B. City Manager

*Curtis Calder reported that he emailed the airport property tax memorandum. If you have any desire to look at the attachments he has them in his office. There will be a runway closure this weekend and two flights had to be cancelled for it. The Johnnie Appleseed Park will be receiving a contribution from the Johnnie Appleseed Foundation in the amount of \$11,500 towards some of the refurbishment.*

### C. Assistant City Manager

*Scott Wilkinson reminded council we are a month away from the Annual Take Pride Day.*

### D. Utilities Director

*Ryan Limberg went out to Exit 298 to check on the progress of the project. They are moving a lot of dirt already.*

### E. Public Works

*Dennis Strickland reported on the traffic signal on Jennings that was struck by a semi. We were able to obtain a temporary signal so we could continue with the traffic flow. We should be back up to normal in about a week.*

### F. Airport Director

### G. City Attorney

### H. Fire Chief

*Chief Griego handed out a copy of his most recent newsletter (Exhibit "D").*

### I. Police Chief–Report on the presentation to the Elko County Commissioners Enhanced 911 System

*Chief Reed reported on a rally to be held on April 20<sup>th</sup> (National Celebrate Marijuana Day) that will be held right outside City Hall. Enhanced 911: they have been working on this for a while. We have it all on paper and did some research to explain how E911 would work. The commissioners are the ones that have the authority to impose a surcharge for residential, commercial and mobile phone holders. It was approved 4-0. There is a hearing set for April 7<sup>th</sup>.*

### J. City Clerk

*Shanell Owen said the filing period for office closed on Friday. We have three candidates running for two positions. CDBG staff was here and monitored our open grants. There were no negative findings. The Senior Citizens Center project is underway.*

### K. City Planner

L. Development Manager

*Jeremy Draper gave an update on the Police Station. They have an April opening date. He showed pictures of the station. We are looking at an April 25th move-in date. We would like to do a dedication ceremony on May 24<sup>th</sup>.*

M. Administrative Services Director

*Aubree Anderson reported on the POOL/PACT Seminar that Councilman Schmidlein attended. They said the impact on the employers is that the City of Elko is not obligated to accommodate employees with a medical marijuana card but we may need to work with them to determine if they have a disability. We do have policies in place that state the employees will not be under the influence. We may need to accommodate under ADA for employees with disabilities.*

N. Parks and Recreation Director

O. Civil Engineer

P. Building Official

## COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

There being no further business, Mayor Johnson adjourned the meeting.

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Mayor Chris Johnson

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Shanell Owen, City Clerk